

5.2 Land Use, Zoning, and Adopted Policies

5.2.1 Introduction

This section provides information regarding current land uses, surrounding land uses, applicable plans and policies, El Dorado County's General Plan land use designations, policies, and zoning, and land use policies of the Shingle Springs Rancheria and the State of California (State).

The discussion in this section differs from other sections in this EIR in that consistencies and inconsistencies with adopted local land use plans are addressed as opposed to environmental impacts and mitigation measures. Potential physical environmental impacts of the Proposed Project, including those resulting from inconsistencies with applicable plans and policies, mitigation measures, and project alternatives are discussed in the technical sections of this EIR.

Land use compatibility and consistency with adopted plans are considered social and/or economic considerations. They pertain more to orderly development and the efficient provision of public services, than physical environmental impacts. This is not to say that a given project's failure to comply with applicable land use regulations, or the land use conflicts that a project may create, would not result in adverse impacts on the environment. In fact, socio-economic impacts and physical environmental impacts are often related and can, and often do, have a cause and effect relationship. Both NEPA and CEQA, and the regulations and guidelines that implement these laws, require consideration of social and economic impacts of projects in preparation of environmental documents.

NEPA and CEQA policies state that consideration is to be given to qualitative factors and unquantifiable environmental amenities and values, along with economic and technical considerations in decision-making that may affect the environment. Section 1508.14 of the Council on Environmental Quality (CEQ) implementing regulations for NEPA states that economic or social effects themselves are not intended to require preparation of an Environmental Impact Statement (EIS). However, when an EIS is prepared based on the finding that a given project would result in significant effects, then the document will discuss social or economic impacts which are interrelated to a project. Section 15064(e) of the CEQA Guidelines states that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a

project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant impact on the environment. If the physical change causes adverse economic or social impact on people, those adverse impacts may be used as a factor in determining whether the physical change is significant.

In light of these statutes and their respective guidelines for the treatment of land use impacts, the challenge faced by lead agencies charged with preparing CEQA-NEPA environmental documents is great. In order to help meet this challenge, and satisfy CEQA and NEPA by evaluating/reporting how proposed project land uses will affect the environment as well as the people, institutions, neighborhoods, communities, and larger social and economic system, Caltrans conducted a technical study. This study, known as the *Shingle Springs Rancheria Interchange Project Community Impact Assessment*, examined potential neighborhood impacts, household impacts, environmental justice impacts, regional economic impacts, impacts on local businesses, property value effects, community facilities and services impacts, land use impacts, growth inducement, and cumulative impacts of the project area (**Figure 5.2-1**) and the region.

Consistencies and/or inconsistencies of the Proposed Project with the adopted plans, as well as findings and recommendations from the land use technical study are discussed below.

5.2.2 Existing Land Uses

The project site consists of land owned by the Tribal Government and the State. The Tribal land consists of a 5±-acre parcel that currently contains a single-family residence and an accessory building on the northern half of the site. The remainder of this parcel is vacant consisting of mixed-oak woodlands and annual grassland. The State property contains a portion of U.S. Highway 50 and undeveloped portions of its right-of-way.

Surrounding land uses are rural residential, agricultural residential (e.g. small livestock grazing and animal husbandry), and open space located on relatively large parcels ranging from 5 to 20 acres. Parcels of eighty acres and larger are located in the project vicinity, including the 160-acre Shingle Springs Rancheria and several low-density residential ranchettes (**Figure 5.2-2**). There are no major urban developments or commercial land uses in the area. There are no industrial land uses, with the exception of the Southern Pacific Railroad (currently not in use), which runs parallel to Highway 50 south of the project site.

Insert Figure 5.2-1- Study Area Map

5.2.3 Applicable Land Use Designations, Goals And Policies

Any discussion of goals and policies with regard to land use in the study area must include mention of the fact that the land use regulations of the County of El Dorado do not apply to Tribal trust land (i.e. the Shingle Springs Rancheria). Likewise, land use regulations or policies of the Tribal government do not apply to lands within jurisdictional El Dorado County. Since discretionary approvals by Caltrans and the BIA are required for the Proposed Project, goals and policies of these two agencies are clearly applicable.

County Of El Dorado General Plan

The 1996 El Dorado County General Plan is a 20-year policy guide for the growth and development of the County of El Dorado. The General Plan acts as the overall guiding policy document for land uses in the County and is the principal tool for evaluating public and private projects. The County's goals and policies with regard to land use are contained in the Land Use Element of the General Plan. State law mandates the Land Use Element.

Goals And Policies

The project site and majority of the study area (excluding the Rancheria) are designated as "Low-Density Residential" (5 to 20 acres per dwelling unit) on the Land Use Map of the 1996 El Dorado County General Plan (**Figure 5.2-2**). The General Plan contains the following policies regarding this designation:

Policy 2.2.1.2

To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.

Low-Density Residential (LDR): This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a

Insert Figure 5.2-2: General Plan Land Use Map

specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.

Policy 2.2.1.3

The General Plan provides for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in **Table 5.2-1**.

Table 5.2-1 Land Use Densities and Residential Population Ranges

| Land Use Designation | Units per Acre | Persons per Housing Unit | Persons per Acre |
|-----------------------------|-----------------------|---------------------------------|-------------------------|
| Medium-Density Residential | 1 - 0.2 | 2.8 | 2.8 |
| Low-Density Residential | 0.20 - 0.1 | 2.8 | 0.56 - 0.28 |

Source: 1990 U.S. Census

¹ Maximum of 10 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers

The Shingle Springs Rancheria is designated as “Non-Jurisdictional” on the Land Use Map of the 1996 El Dorado County General Plan. The General Plan contains the following policy:

Policy 2.2.2.5

The purpose of the *Non-Jurisdictional Lands (-NJ)* overlay designation is to identify the incorporated cities of Placerville and South Lake Tahoe within the County, other lands under Federal and State ownership, and the Shingle Springs Rancheria. Local land use planning within these areas is the responsibility of that government entity.

It is anticipated that the project site would receive the same designation if it is accepted into the Indian Reservation Road System (IRR) and title is conveyed to the United States.

5.2.4 Shingle Springs Rancheria Land Use And Environmental Management Plans

The Shingle Springs Rancheria land use plans and Environmental Management Plan are the governing policies for the growth and development on Tribal lands. They are the basis for which all proposed Tribal projects are evaluated.

Goals And Policies

Consistent with its goals and policies of providing direct access to the Rancheria property, increasing employment opportunities and self-reliance for its members, and providing for the general welfare of its members, the Rancheria's plan for the project site is to construct an interchange to provide unrestricted access. The Shingle Springs Rancheria Environmental Management Plan contains the following goals:

1.1 Environmental Management Program Goal

To allow the Tribe to meet the needs of its members in an environmentally sensitive manner.

3.5 Transportation Goal

Provide a safe, efficient, open, and environmentally sensitive transportation system for the movement of people and goods throughout the Rancheria.

5.2.5 Other Policies

It is the policy of Caltrans to approve only those projects that are consistent with SACOG's MTP and associated MTIP. ~~While the commercial land use proposed for the Rancheria (i.e., hotel and casino) are included in the updated land use data set used by SACOG, the proposed interchange is not currently in the MTIP. The Tribal Government has recently been informed by SACOG that the proposed interchange is within the alternative being considered for the next MTIP Amendment. In order to officially be in the MTIP, an air quality conformity analysis needs to be undertaken and approved. A project level air quality conformity analysis has been undertaken for the proposed interchange and the results reveal that inclusion into the MTIP will not violate air quality standards (see Chapter 5.5 Air Quality for further discussion). As mentioned previously in Chapter 2, the Regional Director of the BIA has advised SACOG of its finding that the project complied with the transportation conformity requirements, pursuant to 40 CFR Part 93. On April 16, 2002, SACOG informed the BIA that the project was incorporated into its baseline budget and that no further action was required.~~

It is the policy of the BIA to conduct all federal actions, including accepting land into trust and roads into the IRR, in accordance with NEPA. The BIA ~~will make~~has included the proposed interchange as a part of the IRR system ~~once the facility is constructed~~. The IRR Program is a jointly administered program by the Federal Highway Administration and by the BIA; through an Interagency Memorandum of Agreement as established by Title 23 U.S.C. Section 204. The BIA will not take actions that result in the exposure of people to

hazardous materials, result in the loss of important farmland, or otherwise harm the environment.

5.2.6 Ordinances

County Of El Dorado

The parcel currently owned by the Tribal Government, as well as a majority of the study area, are located within the “Estate Residential Five-Acre” (RE-5) zoning district. Uses permitted by right include single-family houses, guest houses, barns and other agricultural structures, home occupations, and packing and processing of agricultural products. Uses allowed by use permit include mining or drilling of minerals or petroleum, golf courses, airports, kennels, and community care facilities. It is anticipated that the 5± acre parcel would be assigned unclassified status by the County ~~when if~~ the proposed interchange is ~~accepted into the IRR system and converted to Federal trust status~~ [brought into the name of the United States of America.](#)

Shingle Springs Rancheria

The Tribal Council plans to develop commercial uses in the southwestern portion of the Rancheria if the interchange is approved by Caltrans and the CTC. Other areas of the Rancheria are planned for residential uses. The residential uses are divided into single family and multi-family sites. The residential parcels are sized to be roughly 2-acres and larger.

5.2.7 Land Use Consistency And Compatibility

The proposed interchange would result in a change from the current planned land use (i.e. residential) for the 5-acre parcel leading from the Highway to the Rancheria. Approximately four acres of the project site is located within the Highway 50 ROW (excluding the existing developed highway segment). The planned land use for this area is transportation facilities and maintenance. This component of the project would not represent a departure from the current planned land use. If approved, the overall project, which includes an IRR designation of the interchange, would not be inconsistent with planned tribal uses.

5.2.8 Thresholds Of Significance

Project impacts are considered significant if they would: (1) conflict with applicable land-use plan, policy or regulation of any agency with jurisdiction over the project; (2) conflict with applicable habitat conservation plan or natural community conservation plan; (3) conflict

with adopted policies, plans or programs supporting alternative transportation; or (4) result in significant land use conflicts.

5.2.9 Assessment

The connection between the Highway 50 interchange and the Rancheria ~~has been~~ ~~would be~~ placed into the IRR system. As such, the use of the property within the roadway ROW ~~is~~ ~~would not be~~ subject to local land use controls. Because the Rancheria land use is not subject to, or included in the County of El Dorado General Plan process, access to the Rancheria from Route 50 is not provided for within the Circulation Element of the County's General Plan.

However, the interchange leading up to the Rancheria will not permanently impact local roadways or prevent local roadways/land from being improved or otherwise modified in the future (see Section 5.4 of this EIR/EA). Consequently, the interchange project is not inconsistent with the Circulation Element of the County of El Dorado General Plan.

The proposed interchange is not inconsistent with the El Dorado County General Plan, as the parcel ~~is~~ ~~would no longer be~~ under County jurisdiction. There are no applicable resource or habitat conservation plans that apply to the project site. Additionally, there are no applicable plans, policies, or programs supporting alternative transportation.

Since the Proposed Project would occur entirely within land under federal, state, or tribal jurisdiction, there are no applicable County plans, policies, or regulations that would apply. The project is consistent and, in fact, implements planned land uses on the Rancheria. Regardless of current or future land use designations or compliance with land use plans, the actual proposed use would result in few, if any, land use conflicts due to the rural residential nature of the area and the large parcel sizes that buffer surrounding properties. As such, there are no inconsistencies with regard to land use.

The proposed interchange project is not specifically identified on the list of projects contained in SACOG's MTIP. The Shingle Springs Rancheria has not historically been represented on the SACOG Board, and as such, their access needs have not been addressed by SACOG's member jurisdictions. ~~The inclusion of the interchange into the BIA's IRR System makes it eligible for inclusion into the MTIP. The Tribal Government has already been notified that the proposed interchange will be included in SACOG's next amendment process expected to occur in early 2002.~~ Inclusion of the proposed interchange into the IRR System, and therefore the MTIP, ~~will~~ ~~makes~~ the project consistent with the SIP process. ~~The proposed interchange cannot be approved until it is a component of the SACOG MTIP.~~